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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,726	10/08/1999	GERHARD KOCK	KOCKPCT	6324

7590 11/07/2003

COLLARD & ROE  
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ROSLYN, NY 11576

EXAMINER
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MCCHESENEY, ELIZABETH A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 11/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/402,726

Applicant(s)

KOCK, GERHARD

Examiner

Elizabeth A McChesney

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-3, 5-6, and 15-16 is/are rejected.
- 7) ☒ Claim(s) 4 and 7-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16, 2-3, 5-6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs (US Patent No. 5,901,232).

Regarding **claim 16**, Gibbs discloses a fast food drive up ordering menu board which reads on a public address system wherein sound is admitted from a sound source 1 and which reads on the reference position that is an ideal set point (see figure 1). Gibbs further discloses at least two sound recorders R1, R2 and R3. The sound recorders are located at a distance from where the sound emanates (i.e. sound source and therefore is designated the utility zone). Gibbs further discloses the directional arrangement, which are in different directions and wherein the axes of the main receiving directions point to the reference point 1 of the sound source (see figure 2a). Gibbs further discloses a computer 1B, which reads on a summation facility as the microphones are connected to the computer. Therefore the microphones all come together at the computer (see figure 1 and 3).

Regarding **claim 2**, Gibbs discloses everything claimed as applied above (see claim 16). Gibbs further discloses a parabolic system (see figure 3) which reads on the spherical element and providing the center point the reference point 1 (see figure 1).

Regarding **claim 3**, Gibbs further discloses the varying distances in which transmission time elements are therefore provided due to the distances (col. 2- lines 33-40).

Regarding **claim 5**, Gibbs further discloses the directional arrangement, which are in different directions and wherein the axes of the main receiving directions point to the reference point 1 of the sound source (see figure 2a)

Regarding **claim 6**. Gibbs further discloses the sound recorders as sound sensors, which reads on acoustic-electric transducers.

Regarding **claim 15**, Gibbs further discloses a parabolic system (see figure 3), which provides the spherical element that includes the sensors which reads on segments of the spherical element.

### ***Conclusion***

3. Claims 4, 7-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sibbald et al. (US Patent No. 5,600,727) discloses a determination of position.

Zakarauskas et al. (US Patent No. 5,526,433) discloses a tracking platform system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. McChesney whose telephone number is (703) 308-4563. The examiner can normally be reached Monday – Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

EAM   
October 30, 2003

  
FORESTER W. ISEN  
SUPERVISOR, ART UNIT 2600  
TECHNOLOGY CENTER 2600  
6.0